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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,800	03/15/2001	Mark Hamilton Jones	5450 PA02	6814

7590 01/10/2007
Thomas J. Tighe, Esq.
6265 Greenwich Drive, Suite 103
San Diego, CA 92122

EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/810,800

Applicant(s)

JONES, MARK HAMILTON

Examiner

Vishu K. Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16,20,26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"a layout for placing bets according to ***the roulette rules***", "corresponding to ***a possible game decision***" have no clear meaning. There are many types of layouts are known in the gaming area in accordance with many types of different roulette game rules. The applicant needs to positively recite the layout configuration for making the claim definite and for the limitations to carry weight for merit purposes.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 16, 17, 18, 19 rejected under 35 U.S.C. 102(e) as being anticipated by Cudlipp (6152448).

Claim 16: Cudlipp teaches a container (1) with balls according to roulette indicia (5:64-67) and layout according to roulette layout indicia. In essence Cudlipp teaches a game having a first random outcome from selecting a ball from a set of balls and further selecting a **optional** second random outcome from a wheel.

Applicant's limitation "without a roulette wheel" is a part of preamble with no further positive recitation in the body of the claim, hence no further weight given to the limitation. However for the purpose of argument, Cudlipp clearly indicates the possibility of completely eliminating the need of a wheel (6:29-36).

Claim 17: Cudlipp teaches at least 38 balls (4:4:54).

Claim 18: Cudlipp teaches possibilities of various indicia on balls (6: 1-9).

Claim 19: Cudlipp teaches blowing the balls in chamber (Fig.1) and a chute for the ball to communicate allowing a single ball (17).

Claim Rejections - 35 USC § 103

5. Claims 16-20, 22, 24, 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Cudlipp.

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Cudlipp teaches all limitations except that it does not clearly teach a game “without a roulette wheel”.

Cudlipp teaches a comprehensive game with two random outcomes, but indicates at the option of not using the second outcome (6:29-36).

In order to simplify the game for potential players, it would have been obvious to use only one random outcome device. One of ordinary skill in art at the time the invention was made would have suggested making the game without the wheel.

6. Claims 16-20,22,24,25 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boylan (5265877) in view of Cudlipp (6152448).

Boylan teaches a tabletop (90) with a layout for placing bets according to the roulette rules, a selection device for selecting balls (180,124,138,118,92).

Boylan in essence teaches various game embodiments including roulette (Fig.5) and various selection devices including ball selection device (180) that are well known in the gaming art.

Boylan also discloses various possibilities of modifications and combinations of these known methodologies for creating further applications (18:31-19-32).

Boylan teaches a comprehensive game and does not categorically indicate not having the wheel.

Boylan further teaches a display area for displaying balls (Fig.4).

Cudlipp teaches a comprehensive game with two random outcomes, but indicates at the option of not using the second random outcome device (6:29-36), the wheel.

In order to simplify the game for potential players, it would have been obvious to use only one random outcome device. One of ordinary skill in art at the time the invention was made would have suggested making the game without the wheel.

7. Claims 21,23,26,27,28 rejected under 35 U.S.C. 103(a) as being unpatentable over Cudlipp or Boylan in view of Santora (4357015).

Cudlipp or Boylan teach all limitations except that they do not teach providing structure with a camera for viewing the simulating ball.

Santora teaches a camera (44) mounted above the roulette wheel (12), display screen (12) displaying the selected number.

In playing a game where the game result depends on the outcome of a random device, all players are always anxious to see the resulting random number. At times when there are a large number of players participating in the game, it becomes difficult for all players to see the spinning balls or wheel.

Santora places a camera on the spinning wheel and displaying a selected number on a monitor (28). This makes it easy on all players to see the resulting random number easily and quickly.

In order to make the game easy on players for seeing the selected number easily and quickly, it would have been obvious to place a camera structure for displaying the selected number in full view of the players.

One of ordinary skill in art at the time the invention was made would have suggested placing a camera structure on the system.

Response to Arguments

8. Applicant's arguments with respect to claims 16-27 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

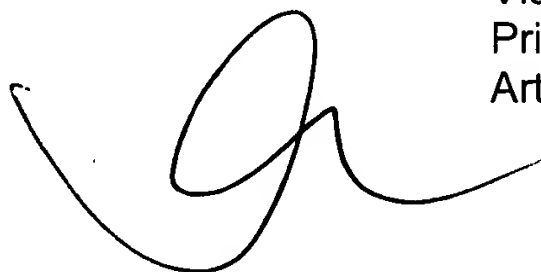
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K. Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vishu K Mendiratta
Primary Examiner
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A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a cursive 'a' and a horizontal line extending to the right.

VKM
January 4, 2007